

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and

I believe that I am an original inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **PROMOTER DRIVEN TISSUE SPECIFIC CYTOTOXIC AGENTS AND METHOD OF USE**, the specification of which was filed on September 5, 2003 and bearing Attorney Docket Number 60710-00002USC1.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment.

I acknowledge the duty to disclose all information known to me to be material to the patentability of this application as defined in 37 CFR § 1.56. If this is a continuation application, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability of the application as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the filing date of this application.

I hereby claim the benefit under 35 U.S.C. § 120/365 of any United States application(s) listed below:

PRIOR U.S. OR PCT APPLICATIONS

<u>Application No. (series code/serial no.)</u>	<u>Month/Day/Year Filed</u>	<u>Status (pending, abandoned, patented)</u>
09/686,631	10/11/00	pending
60/224,382	10/22/00	provisional
60/161,109	10/22/99	provisional

I hereby appoint:

Robert L. Abdon, Reg. No. 50,996  
Benjamin J. Bai, Reg. No. 43,481  
Margaret A. Boulware, Reg. No. 28,708  
Michael Berger, Reg. No. 52,616  
Sharon A. Israel, Reg. No. 41,867

John R. Kirk Jr., Reg. No. 24,477  
Daniel G. Nguyen, Reg. No. 42,933  
Connie Pielech, Reg. No. 46,991  
Tamsen Valoir, Reg. No. 41,417

all of the firm of **JENKENS & GILCHRIST, a Professional Corporation**, 1401 McKinney, Ste. 2700, Houston, Texas 77010, as my attorneys and/or agents, with full power of substitution and revocation, to prosecute this application, provisionals thereof, continuations, continuations-in-part, divisionals, appeals, reissues, substitutions, and extensions thereof and to transact all business in the United States Patent and Trademark Office connected therewith, to appoint any individuals under an associate power

**PATENT APPLICATION**  
**DOCKET NO. 60710-00002USC1**

of attorney and to file and prosecute any international patent application filed thereon before any international authorities, and I hereby authorize them to act and rely on instructions from and communicate directly with the person/ assignee/attorney/firm/organization who/which first sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct them in writing to the contrary.

Please address all correspondence and direct all telephone calls to:

Tamsen Valoir, Ph.D.  
Jenkins & Gilchrist, P.C.  
1401 McKinney, Ste. 2700  
Houston, Texas 77010  
713-951-3381  
713-951-3314 (fax)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAMED INVENTORS:

<b>1</b>	<b>F. Charles Brunicardi</b> <b>Full Name</b>	<b>Inventor's Signature</b>	<b>Date</b>
	<b>Houston, TX USA</b> <b>Residence (city, state, country)</b> <span style="float: right;"><b>Citizenship USA</b></span>		
	<b>6550 Fannin, Ste. 1661, Houston, TX 77030</b> <b>Post Office Address (include zip code)</b>		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Brunicardi, F. Charles  
Filing Date : 09/05/2003

**DECLARATION OF MAILING BY "EXPRESS MAIL"**

MS Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

Dear Sir:

Jimmy D. Patterson declares as follows:

I am an employee of Jenkins & Gilchrist, a Professional Corporation, 1401 McKinney, Ste. 2700, Houston, TX 77010

On September 5, 2003, I deposited in the mail, "Express Mail Post Office to Addressee" service of the United States Postal Service the contents of the envelope for which "Express Mail" Receipt No. EK287112388US was issued addressed to: MS Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified application or any trademarks issued thereon.

Date:

09/05/03

  
\_\_\_\_\_